

IN RE: PETITION FOR ZONING VARIANCE
W/S Falls Road, 3800' S of
Ridge Road
(16818 Falls Road)
5th Election District
3rd Councilmanic District
Paul Obrecht, et ux
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 89-111-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 4 feet in lieu of the required 50 feet for an existing dwelling in accordance with Petitioner's Exhibit 1.

The Petitioners, by John Bremermann of P. F. Obrecht & Son, appeared, testified and were represented by Robert A. Hoffman, Esquire. There were no Protestants.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of October, 1988 that the Petition for Zoning Variance

ance to permit a rear yard setback of 4 feet in lieu of the required 50 feet for an existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioner shall not allow or cause the structure to be used as a two-family dwelling unit and/or apartments.

JRH:bjs

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A03.4B.(4) to permit a 4 foot rear yard setback in lieu of required 50 feet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

To be determined at hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

(Type or Print Name)

Signature

Mary D. Obrecht

(Type or Print Name)

Signature

Mary D. Obrecht

(Type or Print Name)

Signature

Mary D. Obrecht

(Type or Print Name)

Signature

Mary D. Obrecht

(Type or Print Name)

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(Type or Print Name)

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Mary D. Obrecht

(Type or Print Name)

Signature

Mary D. Obrecht

(Type or Print Name)

Signature

Mary D. Obrecht

(Type or Print Name)

Signature

DESCRIPTION OF 16818 FALLS ROAD

Beginning for the same in the center of Falls Road at a point distant 3800 feet more or less Southerly from Ridge Road and running thence Southerly, binding on the center of Falls Road, 1420 feet more or less; thence South 69 degrees and 15 minutes West 1425.50 feet; thence North 15 degrees and 24 minutes West 757 feet; thence North 04 degrees and 43 minutes East 313.50 feet; thence North 89 degrees and 28 minutes East 1019.75 feet; thence North 22 degrees and 43 minutes West 396 feet and thence North 51 degrees and 20 minutes East 797.96 feet to the place of beginning.

Containing 34.121 acres of land, more or less.

By: Howard D. Tustin, Jr., Reg. IS 3995
June 30, 1988

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 5th
Posted for: Variance
Petitioner: Paul Obrecht, et ux
Location of property: W/S Falls Road, 3800' S Ridge Road
(16818 Falls Road)
Location of Sign: West side of Falls Rd in front of subject property
Remarks: S. J. Obrecht
Date of return: September 23, 1988
Number of Signs: 1

RE: PETITION FOR VARIANCE
W/S Falls Rd., 3800' S of Ridge Rd. (16818 Falls Rd.),
5th District
PAUL OBRECHT, et ux, Petitioners
Case No. 89-111-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 14th day of September, 1988, a copy of the foregoing Entry of Appearance was mailed to John B. Howard, Esquire, 210 Allegheny Ave., Towson, MD 21204, Attorney for Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed Variance from Section 1A03.4B.(4) to permit a 4 foot rear yard setback in lieu of required 50 feet, on the property located at 16818 Falls Road, 3800' S Ridge Road, 5th Election District, 3rd Councilmanic District, Baltimore County, Maryland, on the 19th day of September, 1988, at 2:30 p.m. in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland. The hearing will be held in the presence of the Zoning Commissioner, J. Robert Haines, and the People's Counsel, Phyllis Cole Friedman and Peter Max Zimmerman. The hearing will be held in the presence of the Zoning Commissioner, J. Robert Haines, and the People's Counsel, Phyllis Cole Friedman and Peter Max Zimmerman. The hearing will be held in the presence of the Zoning Commissioner, J. Robert Haines, and the People's Counsel, Phyllis Cole Friedman and Peter Max Zimmerman.

PAPERS OF MARYLAND, INC.

Md., Sept. 19, 1988
annexed Rec. # M18257 P.O. #04151
successive weeks/days: previous
19.22 in the
s, a daily newspaper published
minster, Carroll County, Maryland.
a weekly newspaper published
in Baltimore County, Maryland.
a weekly newspaper published
in Baltimore County, Maryland.
PAPERS OF MARYLAND, INC.
er. *John B. Howard*

CERTIFICATE OF PUBLICATION

TOWSON, MD., September 19, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept. 8, 1988.

THE JEFFERSONIAN,

35.63
PO# 04151
Reg# M18257

S. Zebo Delmon
S. Zebo Delmon
Publisher

"BACON'S EAGLE" NOTICES

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed Variance from Section 1A03.4B.(4) to permit a 4 foot rear yard setback in lieu of required 50 feet, on the property located at 16818 Falls Road, 3800' S Ridge Road, 5th Election District, 3rd Councilmanic District, Baltimore County, Maryland, on the 19th day of September, 1988, at 2:30 p.m. in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland. The hearing will be held in the presence of the Zoning Commissioner, J. Robert Haines, and the People's Counsel, Phyllis Cole Friedman and Peter Max Zimmerman. The hearing will be held in the presence of the Zoning Commissioner, J. Robert Haines, and the People's Counsel, Phyllis Cole Friedman and Peter Max Zimmerman. The hearing will be held in the presence of the Zoning Commissioner, J. Robert Haines, and the People's Counsel, Phyllis Cole Friedman and Peter Max Zimmerman.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: 9/14/88

Mr. & Mrs. Paul Obrecht
16818 Falls Road
Upperco, Maryland 21155

Re: Petition for Zoning Variance
CASE NUMBER 89-111-A
W/S Falls Road, 3800' S Ridge Road
(16818 Falls Road)
5th Election District - 3rd Councilmanic
District
Petitioner(s): Paul Obrecht, et ux
HEARING SCHEDULED: MONDAY, OCTOBER 5, 1988 at 2:30 p.m.

Dear Mr. & Mrs. Obrecht:

Please be advised that \$81.75 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 106, 111 W. Chesapeake Avenue, Towson, Maryland 21204.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 9/29/88 ACCOUNT: P.O. #15-000

AMOUNT: \$ 81.75

RECEIVED BY: *Paul Obrecht*

FOR: *Paul Obrecht*

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

August 15, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER 89-111-A
W/S Falls Road, 3800' S Ridge Road
(16818 Falls Road)
5th Election District - 3rd Councilmanic
District
Petitioner(s): Paul Obrecht, et ux
HEARING SCHEDULED: MONDAY, OCTOBER 5, 1988 at 2:30 p.m.

Variance to permit a 4 foot rear yard setback in lieu of the required 50 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: Paul Obrecht, et ux
John B. Howard, Esq.
File

89-111-1

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
27th day of July, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Paul Obrecht, et ux
Attorney: John B. Howard

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

August 24, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dennis F. Rasmussen
County Executive

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item number 480, 5, 11, 12, 15, 16, 17, 18, 19, 20, 21, 23, 25, 26, 28, 29, 30, 31, 32, 33, 36, 37, 38, 39 and 40.

Very truly yours,

Stephen E. Weber
Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEW/RF/lab

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3553

J. Robert Haines
Zoning Commissioner

October 14, 1988

Robert A. Hoffman, Esquire
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
Towson, Maryland 21204

Dennis F. Rasmussen
County Executive

RE: PETITION FOR ZONING VARIANCE
W/S Falls Road, 3800' S of Ridge Road
(16818 Falls Road)
5th Election District - 3rd Councilmanic District
Paul Obrecht, et ux - Petitioners
Case No. 89-111-A

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

July 26, 1988

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



Dennis F. Rasmussen
County Executive

Re: Property Owner: Paul O'Brecht, et ux

Location: W/S Falls Road, 3,800' S. of Ridge Road

Item No.: 13

Zoning Agenda: Meeting of 7/26/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill* Noted and Approved: *John F. O'Neill*
Special Inspection Division Fire Prevention Bureau

/s/

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 28, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

oob

John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: Item No. 13 - Case No. 89-111-A
Petitioner: Paul Obrecht, et ux
Petition for Zoning Variance

Dear Mr. Howard:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

cc: S. J. Martenet & Co.
Land Surveyors
9 E. Lexington Street
Baltimore, Maryland 21202



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

August 3, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Attn: Mr. James Dyer

Re: Baltimore County
Zoning Meeting of 7-26-88
Paul Obrecht, et ux
W/S Falls Road
(Maryland Route 25)
3,800' South of Ridge Rd.
(Item #13)

Dear Mr. Haines:

After reviewing the submittal for a variance to permit a 4' rear yard setback in lieu of the required 50', we find the plan generally acceptable.

If you have any questions, please contact Larry Brocato of this office.

Very truly yours,

Crandon J. Hillis, Jr.
Crandon J. Hillis, Jr., Chief
Bureau of Engineering
Access Permits

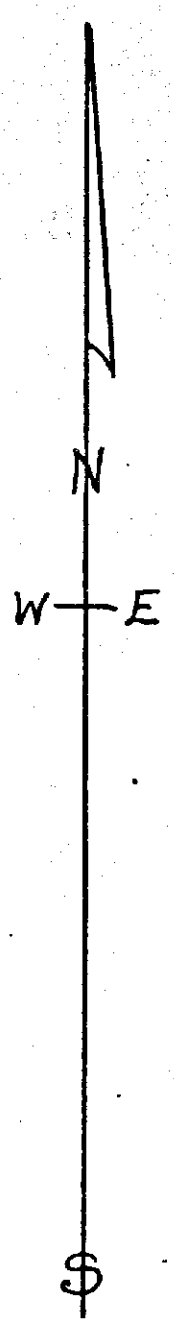
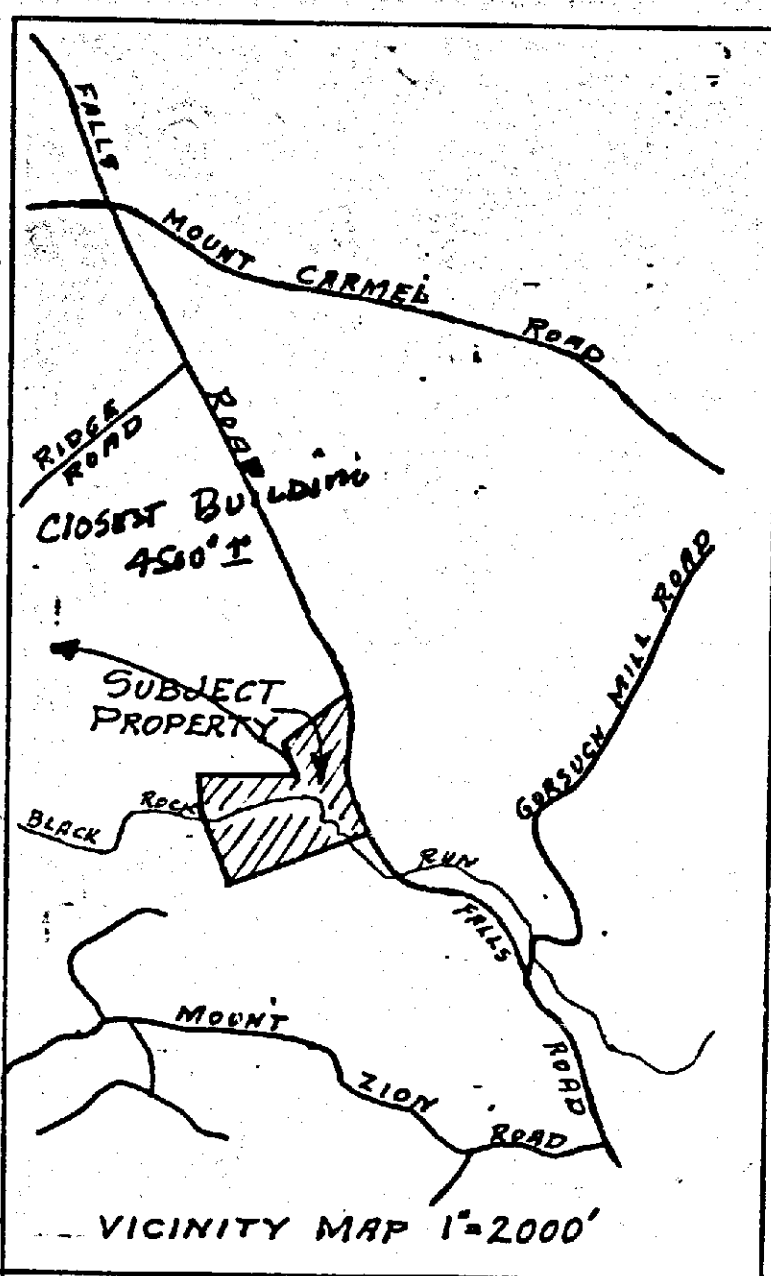
LB:maw

cc: Mr. P. Obrecht
Mr. J. Ogle

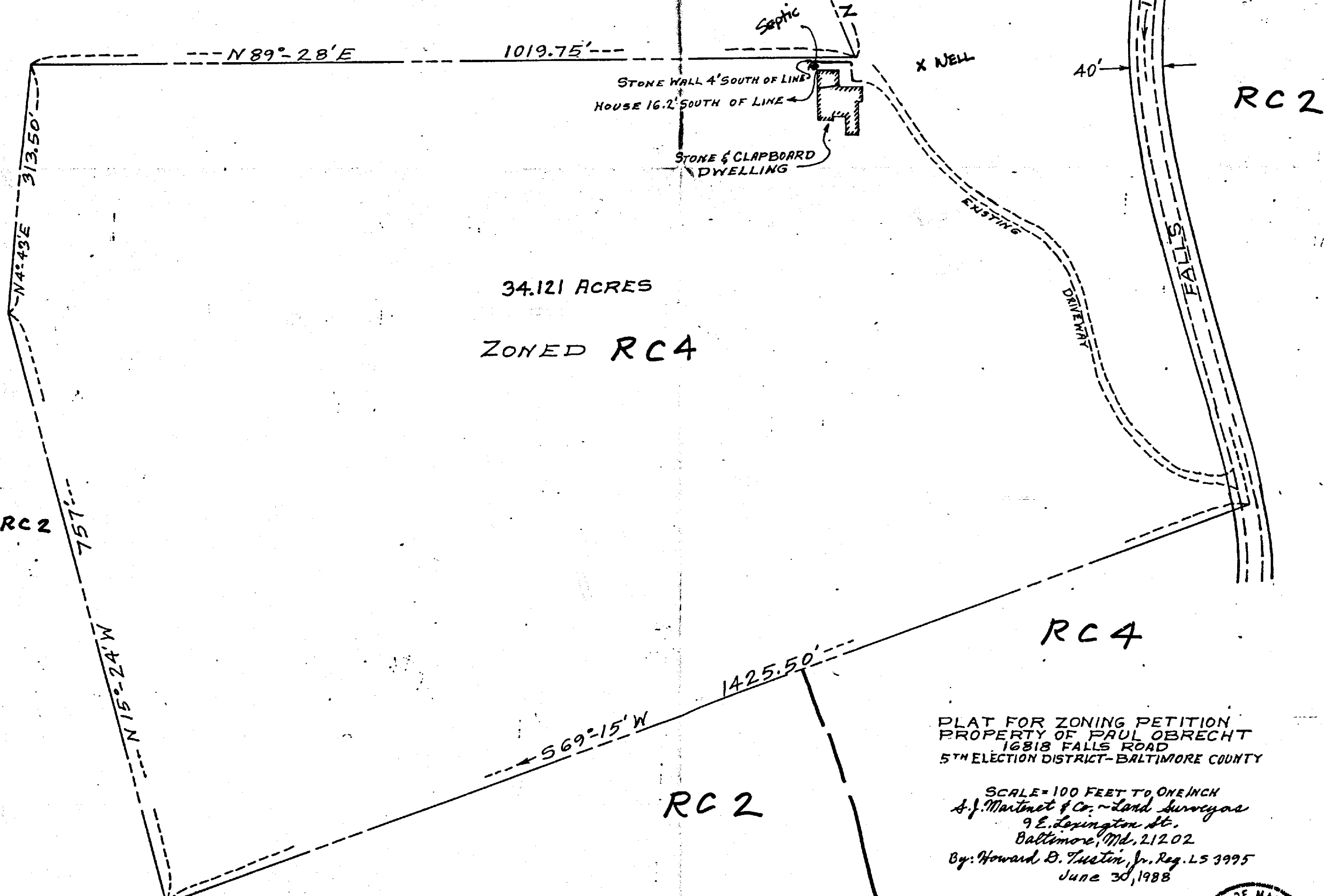
RECEIVED
AUG 8 1988
ZONING OFFICE

My telephone number is (301) 333-1350

Teleprinter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717



RC 2



PLAT FOR ZONING PETITION
PROPERTY OF PAUL OBRECHT
16818 FALLS ROAD
5TH ELECTION DISTRICT-BALTIMORE COUNTY

SCALE=100 FEET TO ONE INCH
S. J. Martinet & Co., Land Surveyors
9 E. Lexington St.,
Baltimore, Md. 21202
By: Howard D. Tustin, Jr., Reg. L.S. 3995
June 30, 1988

RC 2

PETITIONER'S
EXHIBIT 1

